



## U.S. Fish & Wildlife Service

# Chiricahua Leopard Frog

*Answers to questions about the threatened species listing of the Chiricahua leopard frog.*

June 13, 2002

**Q:** How is the Service protecting the Chiricahua leopard frog?

**A:** The Fish and Wildlife Service has completed the listing of the Chiricahua leopard frog as a threatened species under the Endangered Species Act. Designation of critical habitat was found to be not prudent. A special rule has also been finalized that exempts operation and maintenance of livestock tanks on non-Federal lands from provisions of the Endangered Species Act that prohibit incidental take of the frogs.

**Q:** Where is the Chiricahua leopard frog found?

**A:** From 1994-2001, Chiricahua leopard frog has been found at 82 sites in Arizona and 41 in New Mexico. It inhabits ponds, streams, rivers, livestock tanks, and other aquatic sites in southeastern Arizona, extreme southwestern New Mexico (Hidalgo County), and along the Mogollon Rim in central and east-central Arizona southeast into west-central New Mexico. The species has also been found at 12 or 13 sites in Chihuahua, northern Durango, and northern Sonora, Mexico.

**Q:** Why does the Chiricahua leopard frog need ESA threatened status?

**A:** The Fish and Wildlife Service uses five factors to evaluate the level of threats and to determine whether species are endangered or threatened. These factors include: 1) present or threatened destruction, modification, or curtailment of the species' habitat or range, 2) overutilization for commercial, recreational, scientific, or educational purposes, 3) disease or predation, 4) inadequacy of existing regulatory mechanisms, and 5) other natural or manmade factors affecting the species' continued existence. In this case, the Chiricahua leopard frog is threatened by a variety of factors, including predation by nonnative organisms, especially bullfrogs, fish and crayfish; disease; drought; floods; degradation and destruction of habitat; water diversions and groundwater pumping; disruption of metapopulation dynamics (relationships between populations of frogs); increased chance of extirpation or extinction resulting from small numbers of populations and individuals; and environmental contamination. The Chiricahua leopard frog is apparently absent from about 75 percent of its historic localities in Arizona and New Mexico, and appears to have disappeared from a number of mountain ranges, river drainages, and valleys. The species has only been confirmed at 12 or 13 sites in Mexico; it is considered a threatened species by the Mexican government. The severity and extent of these threats warrant listing the species as threatened.

June 14, 2002

**Q:** What protection does a species receive under the Endangered Species Act?

**A:** Collection, trade, or transport of endangered species without a permit is illegal. Take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of listed animals is prohibited. Federal agencies that fund, authorize, or carry out actions that may affect a listed species are required, in consultation with the Fish and Wildlife Service, to ensure that their activities do not jeopardize the continued existence of the species. These protective responsibilities extend to Federal agencies that may fund, authorize, or carry out projects on private lands.

**Q:** If Chiricahua leopard frogs live on my land or my Federal or State grazing allotment, will it limit what I am permitted to do?

**A:** The Service wants to assure private landowners that ranching, and other activities that do not result in take of Chiricahua leopard frogs would continue to occur unimpeded. Pursuant to a special rule for the Chiricahua leopard frog, use and maintenance of livestock tanks on non-Federal (private, state, and tribal) lands would be exempt from provisions of the Endangered Species Act that prohibit take of Chiricahua leopard frogs. For other private activities that may result in take, an incidental take permit could be obtained from the Service. For activities on Federal grazing allotments, or for other activities that require a Federal permit, authorization, or monies and may affect the leopard frog, the involved Federal agency would be required, in consultation with the Fish and Wildlife Service, to ensure that its actions do not jeopardize the continued existence of the species.

**Q:** What activities will not result in violation of the Endangered Species Act for the Chiricahua leopard frog?

**A:** Examples of actions that would not violate the Endangered Species Act in regard to this species include the following:

(1) Actions that may affect Chiricahua leopard frogs that are authorized, funded or carried out by a Federal agency when the action is conducted in accordance with a biological opinion issued by us pursuant to section 7 of the Act;

(2) Actions that may result in take of Chiricahua leopard frog when the action is conducted in accordance with a permit under section 10 of the Act;

(3) Recreational activities that do not destroy or significantly degrade occupied habitat, and do not result in take of frogs;

(4) Release, diversion, or withdrawal of water from or near occupied habitat in a manner that does not displace or result in desiccation or death of eggs, tadpoles, or adults; does not disrupt breeding activities of adults; does not favor introduction of nonnative predators; and does not alter vegetation characteristics at or near occupied sites to an extent that exposes the frogs to increased predation;

(5) Logging activities that do not result in erosion or siltation of stream beds and other aquatic habitats occupied by Chiricahua leopard frogs, do not adversely affect water quality, and do not denude shoreline vegetation or terrestrial vegetation in occupied habitat; and

(6) Operation and maintenance of livestock tanks on non-Federal (private, state, and tribal) lands.

**Q:** Does the Chiricahua leopard frog have critical habitat?

**A:** No. Designation of critical habitat would have required listing in the Federal Register the exact localities of the most important leopard frog habitats. The frog is susceptible to a fungal disease that can be unintentionally carried between sites in the mud on vehicle tires, shoes, or other means. Collection and vandalism are also threats. Because publishing maps of frog localities could increase the risk of disease transmission, collection, and vandalism, the Service has found that potential detrimental effects to the frog outweigh any benefits that may accrue from critical habitat designation.

**Q:** The Chiricahua leopard frog is difficult to distinguish from other leopard frog species. How do I know whether a certain population of frogs is protected?

**A:** The Service will assist any person in determining if leopard frogs on their property or potentially affected by an activity are indeed Chiricahua leopard frogs.

**Q:** What is currently being done to conserve or restore Chiricahua leopard frog populations?

**A:** Locally driven Chiricahua leopard frog conservation activities and planning are being conducted by The Nature Conservancy and New Mexico Game and Fish Department on the Mimbres River; ranchers in southeastern Arizona's San Bernardino Valley are working with the University of Arizona and San Bernardino National Wildlife Refuge to enhance and maintain habitat for frogs; together, the Tonto National Forest, Phoenix Zoo and Arizona Game and Fish Department have captively reared frogs and established or reintroduced populations in the Gentry Creek area; University of Arizona and the Buenos Aires National Wildlife Refuge are working to establish Chiricahua leopard frog populations; and students at Douglas High School and Douglas Public School District have created award-winning outdoor classrooms for the rearing of leopard frogs. Individually or combined, these conservation efforts could form the nucleus of recovery planning efforts for the frog.

**Q:** Doesn't the regulatory burden that comes with listing a species dissuade private landowners from enhancing frog habitat and restoring frog populations on their land?

**A:** Because threats to the Chiricahua leopard frog are varied (including nonnative species, contaminants, disease, collection and other factors) the frog clearly warrants the protection and recovery focus afforded under the Endangered Species Act (for reasons in addition to limited recovery habitat on private lands).

Many Chiricahua leopard frog populations occupy stock tanks, or impoundments maintained by cattlemen as livestock watering holes. So that the listing of the Chiricahua leopard frog will not deter landowners from volunteering to enhance frog habitat and restore frog populations on their land we've exercised the flexibility of the Act to devise a special rule to allow operation and maintenance of stock tanks that support frogs on State, private, or tribal land without the usually required permits authorizing "take" of a listed species, should the maintenance incidentally harass, harm, or kill a leopard frog. There are other programs under Act through which we can work with willing landowners to improve the frog habitat and populations on private lands.

**Q:** Will current frog conservation projects be permitted to continue now that the frog is listed as threatened?

**A:** We will fully utilize our authorities and resources to promptly permit ongoing or future conservation projects. That way conservation activities can be permitted to continue without interruption. We will also, in many cases, be able to assist technically and monetarily in these efforts.

**Q:** How did the Service arrive at the decision to list the Chiricahua leopard frog?

**A:** In 1991, the Service recognized the vulnerability and threats to the species, designating it as a category 2 candidate species. By 1994, the Service had accumulated enough evidence to propose listing the species (category 1 designation), however development of a listing proposal was precluded by other priorities. A preproposal notification and request for information was sent to local governments, industry representatives, land management agencies, and species experts in June 1994. We prepared a proposal based upon the best available scientific and commercial information (June 14, 2000, 65 Federal Register 37343), sought peer review of the proposal and solicited any additional scientific and commercial information upon which to base a final determination and held public hearings in Silver City, New Mexico, and Bisbee, Arizona. Work on the listing was suspended due to the Director's memo of November 14, 2000, limiting listing work to court ordered actions. Comments and new information were included or addressed when the listing process resumed as a result of a Service agreement with plaintiffs that a final determination be made by June 6, 2002. The administrative record for this listing decision is available for inspection by contacting the Arizona Ecological Services Field Supervisor, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021.

**Q:** Will listing the Chiricahua leopard frog affect the States' sportfish stocking programs?

**A:** With few exceptions, the Chiricahua leopard frog occurs today in livestock tanks and small streams and springs that are not stocked or managed by state game and fish agencies as sport fisheries. State fish hatcheries and stocking programs are supplemented by federal tax revenues distributed by the Service. Should sportfish stocking be proposed for one of the few areas where the frog still exists, the Service would consult on the effects of sportfish stocking to the species.

**Q:** Where can I find a copy of the final rule and other information on the Chiricahua leopard frog?

**A:** The final rule listing the Chiricahua leopard frog was published in the June 13, 2002, *Federal Register*. A copy of the rule and additional information on the frog are available on our website at <http://arizonaes.fws.gov>. A hard copy of the rule is available by contacting Arizona Ecological Services Field Supervisor, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021 (602/242-0210).